

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

JAMES E. FRYE,

Petitioner,

vs.

Docket No.: 4:01-CR-8-2-BN
Civil No.: 4:09CV3WHB

UNITED STATES OF AMERICA,

Respondent.



**PETITIONER'S SUPPLEMENTAL FILING TO COURT'S INQUIRY ON
TIMELINESS OF FILING FRYE'S NOTICE OF APPEAL**

COMES NOW, Petitioner James Frye with this Supplemental Filing to the Court's Inquiry on the Remand from the Fifth Circuit to determine whether his Notice of Appeal on the denial of his Title 28 U.S.C. § 2255 was timely filed. In support of the same, Petitioner provides as follows:

1. After filing a response to the Court's inquiry, Frye has obtained a memorandum from USP Coleman II, Case Manager Steven Harris that clarifies that the Federal Bureau of Prisons, Programs Statement, 5800.10; Mail Management does not require a log of outgoing legal mail.
2. Petitioner Frye files this memorandum in support of his Answer to Court's inquiry on the timely filing of his Notice of Appeal.

Done this 13, day of December 2011

Respectfully submitted,



James Frye
Reg. 98362-024
USP Coleman II
P.O. Box 1034
Coleman, Fl 33521

CERTIFICATE OF SERVICE

I HEREBY DO CERTIFY that a true and correct copy of this motion was mailed to: United States Attorney's Office, 188 E. Capitol Street, Suite # 500, Jackson, MS 39201 via the United States Postal Service Priority Mail.

Done this 13 day of December 2011



James Frye
Reg. 98362-024
USP Coleman II
P.O. Box 1034
Coleman, Fl 33521



U. S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Complex USP#2

846 NE 54th Terrace
P. O. Box 1024
Coleman, Florida 33521-1024

December 13, 2011

Honorable Judge William H. Barbour Jr.
U. S. District Court
P.O. Box 23552
Jackson, MS 39225-3552

Re: Inmate Frye, James E. Jr. Reg. No. 98362-024

Honorable Judge Barbour:

Inmate Frye has indicated he has matters pending in your court. He has an order to produce either a mail log or a declaration from prison officials that there is no log.

According to Program Statement PS 5800.10, Mail Management, the only log required for the Federal Bureau of Prisons to maintain is for certified mail going out and accountable/legal mail coming in.

Outgoing legal mail is stamped, initialed and dated to notify the addressee that it is from an inmate and has not been searched.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Harris".
Steven Harris
Case Manager
FCC Coleman USP#2
352-689-7226